

CV 16- 2509

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RONALD FULLER,

Plaintiff(s),

v.

THE CITY OF NEW YORK,
NEW YORK CITY POLICE OFFICER
TREVOR WHITE, Shield # 00360
83rd Precinct,

Defendant(s).
-----X

**COMPLAINT &
JURY DEMAND**

FILED
CLERK

2016 MAY 17 PM 3:58

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DONNELLY, J.

POLLAK, M.J.

PRELIMINARY STATEMENT

1. This is a Civil Rights action in which Plaintiff, RONALD FULLER, seeks redress for the Defendant's violation of his rights secured by the Civil Rights Act of 1866 and 1871, 42 U.S.C. 1983 and of the rights secured by the Fourth Amendment, and by the Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution and/or rights secured by under the Laws and Constitution of the State of New York.

JURISDICTION

2. Jurisdiction is conferred upon this Court by 28 U.S.C. Sections 1331, 1343(3), this being an action seeking redress for the violation of Plaintiff's Constitutional and Civil Rights. The amount of damages in controversy exceeds One Hundred and Fifty Thousand (\$150,000.00) Dollars, exclusive of interest and costs.

3. The Plaintiff's claim for declaratory and injunctive relief is authorized by 28 U.S.C. sections 2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure.

4. The Plaintiff further invokes this Court's pendant jurisdiction, pursuant to 28 U.S.C. Section 1367(a), over any and all State claims and as against all parties that are so related to claims in this action within the original jurisdiction of this Court that they form part of the same case or controversy.

5. The Plaintiff demands a trial by jury on each and every one of the claims pleaded herein.

VENUE

6. Venue is proper for the United States District Court of the Eastern District of New York pursuant to 28 U.S.C. Sections 1391 (a), (b) and (c).

PARTIES

7. Plaintiff, RONALD FULLER is a United States Citizen and resident of the United States, and is and at all times relevant herein a resident of the State of New York.

8. Defendant(s), NEW YORK CITY POLICE OFFICER TREVOR WHITE, Shield # 00360, upon information and belief of the 83rd Precinct, is, and at all times relevant, an Officer and employee/agent of THE NEW YORK CITY POLICE DEPARTMENT, a municipal agency of Defendant CITY OF NEW YORK. Defendant, NEW YORK CITY POLICE OFFICER TREVOR WHITE is sued individually and in his official capacity. At all times relevant, Defendant, NEW YORK CITY POLICE OFFICER TREVOR WHITE was acting under the color of State Law in the course and scope of his duties and functions as an agent, servant, employee and officer of THE NEW YORK CITY POLICE DEPARTMENT and Defendant CITY OF NEW YORK and otherwise performed and engaged in conduct incidental to the performance of his lawful duties. Defendant NEW YORK CITY POLICE OFFICER WHITE was acting for and on behalf of THE NEW YORK

CITY POLICE DEPARTMENT and Defendant CITY OF NEW YORK at all times relevant herein with the power and authority vested in him as a police officer, agents and employee of THE NEW YORK CITY POLICE DEPARTMENT and Defendant CITY OF NEW YORK, and incidental to the lawful pursuit of his duties as officer, employee and agent of THE NEW YORK CITY POLICE DEPARTMENT and Defendant CITY OF NEW YORK.

9. Defendant CITY OF NEW YORK is a municipal entity created and authorized under the laws of the State of New York. It is authorized by law to maintain a Police Department which acts as its agent in the area of Law Enforcement and for which it is ultimately responsible. Defendant CITY OF NEW YORK assumes the risks incidental to the maintenance of a Police Department and the employment of Police Officers as said risk attaches to the public consumers of the services provided by the NEW YORK CITY POLICE DEPARTMENT and the named Defendant NEW YORK CITY POLICE OFFICERS..

10. THE NEW YORK CITY POLICE DEPARTMENT, while not a named Defendant, is a municipal entity created and authorized under the laws of the State of New York. It is authorized by law to carry out all police functions for Defendant CITY OF NEW YORK and assumes the risk incidental to the maintenance of a police force and the employment of Police Officers.

STATEMENT OF FACTS

11. On May 19, 2013 at approximately 12:30 a.m. the Plaintiff was in the vicinity of Gates Avenue and Evergreen Avenue in Kings County, New York, having just left his girlfriend's house. The Plaintiff was on his way to the subway station, when he was approached by Defendant, NEW YORK CITY POLICE OFFICER TREVOR WHITE and

another member of THE NEW YORK CITY POLICE DEPARTMENT, who upon information and belief were in uniform in an unmarked car. Defendant Officer, WHITE with his gun drawn, stated to the Plaintiff, in sum and substance, “you fit the description of a robbery suspect”, whereupon Defendant NEW YORK CITY POLICE OFFICER TREVOR WHITE forcibly grabbed the Plaintiff by his right arm, while simultaneously performing a leg sweep upon the Plaintiff, causing the Plaintiff to fall violently to the ground, landing on his chest and face, causing physical injury to the Plaintiff, and resulting in Plaintiff’s earrings falling out. The Plaintiff was immediately placed in handcuffs and forced to lie on the ground for several minutes before he was placed in a large police vehicle, where he sat accompanied by a police officer for approximately thirty minutes before being transported to the 83rd precinct. At the 83rd precinct the Plaintiff was subjected to a strip search by a member of THE NEW YORK CITY POLICE DEPARTMENT, after which the Plaintiff was transported to a local area hospital for treatment of the injuries sustained during the Plaintiff’s arrest by named Defendant NEW YORK CITY POLICE OFFICER TREVOR WHITE. The criminal charges against the Plaintiff were dismissed and sealed on November 29, 2013

FIRST FEDERAL CLAIM

Violation of the Rights Secured by Section 42 U.S.C. 1983 and the Fourth and Fourteenth

Amendment to the United States Constitution-Excessive Force

12. Plaintiff incorporates by reference the allegations set forth in paragraphs One (1) through Eleven (11) as if fully set forth herein.

WHEREFORE, the Plaintiff demands the following relief jointly and severably against all

Defendant:

1. Compensatory Damages for Plaintiff.
2. Punitive Damages against Defendant(s) New York City Police Officer TREVOR WHITE.
3. A Court Order pursuant to 42 U.S.C. 1998 that the Plaintiff is entitled to costs of the instant action, and Attorney's fees.
4. Such other and further relief as the Court may deem necessary and appropriate, including declaratory relief.

Dated: May 17, 2016



VICTOR M. BROWN, ESQ.
(VB-5289)

Attorney for Plaintiff
11 Park Place, Suite 600
New York, New York 10007
(212) 227-7373
Fax(212) 227-2330
E: vbrownlaw@yahoo.com